

LISA GILFORD (SBN 171641)
JOHN D. ARYA (SBN 156108)
ALSTON & BIRD LLP
333 South Hope Street, Sixteenth Floor
Los Angeles, California 90071
Telephone: (213) 576-1000
Facsimile: (213) 576-1100
Email: lisa.gilford@alston.com
john.arya@alston.com

VINCENT GALVIN, JR. (SBN 104448)
BOWMAN AND BROOKE LLP
1741 Technology Drive, Suite 200
San Jose, California 95110-1355
Telephone: (408) 279-5393
Facsimile: (408) 279-5845
Email: vincent.galvinjr@sjo.bowmanandbrooke.com

Attorneys for Defendants TOYOTA MOTOR
NORTH AMERICA, INC., TOYOTA MOTOR
ENGINEERING & MANUFACTURING NORTH
AMERICA, INC., AND TOYOTA MOTOR SALES,
U.S.A., INC.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION

IN RE: TOYOTA MOTOR CORP.
UNINTENDED ACCELERATION
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION

RYAN SCHARREL, SUSAN
KRUSCHKE and ENRIQUE
MORENO,

Plaintiffs,

v.

TOYOTA MOTOR NORTH
AMERICA, INC., TOYOTA MOTOR
ENGINEERING &
MANUFACTURING NORTH
AMERICA, INC., and TOYOTA
MOTOR SALES, U.S.A., INC.,

Defendants.

CASE NO: 8:10ML2151 JVS (FMOx)

This Document Relates To:
CASE NO: SACV 10-00557 JVS (FMOx)

CASE NO: SACV 10-00557 JVS (FMOx)

**[PROPOSED] ORDER FOR DISMISSAL
WITHOUT PREJUDICE**

**[FILED CONCURRENTLY WITH
STIPULATION OF DISMISSAL
WITHOUT PREJUDICE]**

ORDER OF DISMISSAL

Plaintiffs Ryan Scharrel, Susan Kruschke, and Enrique Moreno and Defendants Toyota Motor North America, Inc., Toyota Motor Engineering & Manufacturing North America, Inc., and Toyota Motor Sales, U.S.A., Inc., having jointly stipulated to the dismissal of the claims in this proceeding, and the Court being duly advised thereof, it is hereby:

ORDERED AND ADJUDGED that all claims asserted in this action by Plaintiffs in the above-entitled cause shall be dismissed without prejudice, each party to bear their respective costs of litigation, attorneys' fees and expenses.

SO ORDERED THIS ____ day of _____, 2010.

Honorable James V. Selna
Judge of the United States District Court

Respectfully submitted.

DATED: June 23, 2010

LISA GILFORD
JOHN D. ARYA
CARI K. DAWSON
DARREN L. McCARTY
ALSTON & BIRD LLP

VINCENT GALVIN, JR.
BOWMAN AND BROOKE LLP

REGINA M. RODRIGUEZ
FAEGRE & BENSON, LLP

Lisa Gilford ^{/s/} *by RAC*

Lisa Gilford

Attorneys for Defendants TOYOTA MOTOR
NORTH AMERICA, INC., TOYOTA MOTOR
ENGINEERING & MANUFACTURING NORTH
AMERICA, INC., AND TOYOTA MOTOR SALES,
U.S.A., INC.

PROOF OF SERVICE

I, Cynthia A. Chapman, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Alston & Bird LLP, 333 South Hope Street, Sixteenth Floor, Los Angeles, CA 90071. I am over the age of eighteen years and not a party to the action in which this service is made.

On June 23, 2010, I served the document(s) described as **[PROPOSED] ORDER FOR DISMISSAL WITHOUT PREJUDICE** on the interested parties in this action by enclosing the document(s) in a sealed envelope addressed as follows:
See Attached Service List

☒ BY MAIL: I am "readily familiar" with this firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, the correspondence would be deposited with the United States Postal Service at 333 South Hope Street, Los Angeles, California 90071 with postage thereon fully prepaid the same day on which the correspondence was placed for collection and mailing at the firm. Following ordinary business practices, I placed for collection and mailing with the United States Postal Service such envelope at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071.

☐ BY FEDERAL EXPRESS ☐ UPS NEXT DAY AIR ☐ OVERNIGHT DELIVERY: I deposited such envelope in a facility regularly maintained by ☐ FEDERAL EXPRESS ☐ UPS ☐ Overnight Delivery [specify name of service:] with delivery fees fully provided for or delivered the envelope to a courier or driver of ☐ FEDERAL EXPRESS ☐ UPS ☐ OVERNIGHT DELIVERY [specify name of service:] authorized to receive documents at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071 with delivery fees fully provided for.

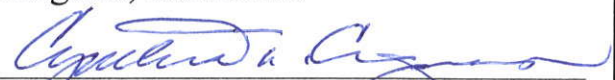
☐ BY FACSIMILE: I telecopied a copy of said document(s) to the following addressee(s) at the following number(s) in accordance with the written confirmation of counsel in this action.

☐ BY ELECTRONIC MAIL TRANSMISSION WITH ATTACHMENT: On this date, I transmitted the above-mentioned document by electronic mail transmission with attachment to the parties at the electronic mail transmission address set forth on the attached service list.

☐ [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ [Federal] I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 23, 2010 , at Los Angeles, California.


Cynthia A. Chapman

Scharrell, et al. v Toyota Motor North America, Inc., et al.

Case No.: SACV 10-00557 JVS (FMOx)

SERVICE LIST

Michael S. Burg
Burg, Simpson, Eldredge, Hersh &
Jardine, PC-Englewood
40 Inverness Drive East
Englewood, CO 80112-2866

Seth Alan Katz
Burg, Simpson, Eldredge, Hersh &
Jardine, PC-Englewood
40 Inverness Drive East
Englewood, CO 80112-2866

Daniel Ellis McKenzie
Burg, Simpson, Eldredge, Hersh &
Jardine, PC-Englewood
40 Inverness Drive East
Englewood, CO 80112-2866

Regina M. Rodriguez
Faegre & Benson, LLP-Denver
1700 Lincoln Street
Wells Fargo Center
#3200
Denver, CO 80203-4532